Continuing, the Member said that, even in the case of unoccupied lands, if they were to be sold in auction in 10 acreblocks, it would be beyond the reach of the middle classes to secure them. The lands were sure to go into the hands of the rich. One other objection to the draft Rules was the foreign exploitation which they encouraged by means of Rules 47 and 48. Coupe sales to foreigners had already denuded the forests of all trees and a timber famine had been the result. A similar policy in the case of Government lands, by selling them in auction to foreigners, should be carefully avoided. Plots of five acres each should be granted to occupants who were *bonafide* agriculturists, on moderate *tharavila*, *thadivila* and assessment. The rapid sale of all puduval lands by auction for enhancing the revenue in the immediate present was not desirable. Foreign exploitation should not be allowed. Adequate provision should be made for registering one or two acres to really destitute persons and there should be a guarantee that the lands entered upon and improved by them would not be taken away from them. Part V which dealt with concessional grants overlooked the fact that there were many people belonging to the lower middle classes in quest of land who did not belong to the depressed classes or were not absolutely poor. It would be better to give one acre each to a greater number of people including the middle classes than grant a large area of 3 acres which they would not be able to cultivate. Provision should be made to recover the *tharavila* in easy instalments with the tax and also to grant lands on lease, with a view to help the middle classes. The assessment fixed for town lands was very high and should be reduced. Indigenous enterprise should be encouraged by the grant, without auction, of large blocks for the formation of estates. A monthly talukwar statement should be published in the Government Gazette showing the area of poramboke and puduval lands available for registry, the area applied for and registered, and the area in respect of which no applications had been received.

Dewan's reply.—All the points mentioned by the Member will be carefully considered.

7. Land Assignment Bill and the Puduval Rules.

Mr. A. Thanu Pillai B. A., B. L. (Member, Trivandrum Taluk) said that, in the notice publishing the draft Puduval Rules in the Gazette, it was stated that the effect of the existing rules had been to concentrate land in a few hands and to deprive the middle and poorer classes of the chance of getting lands for agricultural purposes. The new rules were said to be intended for the benefit of the middle and poorer classes and also to enable Government to share in the unearned increment, namely, the rise in land values which was the natural result of the development of the country. The Member said that the latter object would, no doubt, be attained by the draft Rules, but that he failed to see how they would help the industrious poor and the unfortunate landless to get land in view of the fact that the draft Rules adopted the principles of assignment in auction as against assignment by registry underlying the existing Rules. The Member then referred to Rule 12 which made it difficult for a man to get a smaller area than 10 acres according to his means, to Rule 39 which raised the minimum rates of *tharavila* for dry lands, reclamations and wet lands to Rs. 10, 25 and 50 per acre respectively, to Rule 53 which denied the concession of instalmental payment of *tharavila* to amounts less than Rs. 1,000, and to Rule 15 which required immediate payment of 25% of the auction price and the payment of the balance by the thirtieth day after the auction, failure to do which would be visited with forfeiture of deposit. He said that those Rules were not calculated to help the poor and that, in so far as the object of benefiting the middle and poorer classes was concerned, the draft Rules were certainly no improvement upon the existing Rules.

The Member then observed that the distinction maintained in the draft Rules between assignment of occupied lands and assignment of unoccupied lands was not found in the existing Rules and was objectionable. In the first place, the terms 'bonafide occupation' and 'valuable improvements' used in describing occupied lands,

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were not clear and it was not known whether clearing an area at great cost would amount to valuable improvement, or whether cultivation of trees alone would constitute it. Secondly, the Rules would induce people to enter upon Government land in violation of the provisions of the Land Conservancy Regulation which prohibited unauthorised occupation of Government lands and it would de unwise for Government by rules to encourage people to violate the law. Further, Rule 22 was not clear, since it did not say in what cases the authorities concerned might refuse to register an occupied land without auction. Thirdly, the person who violated the law and entered upon Government land would get land registered without auction, while his law-abiding neighbour would not have that advantage.

The Member finally made the following suggestions regarding the draft Rules:—

(1) Assignment by auction sale should not be adopted as a rule.

(2) Even smaller amounts of *tharavila* than Rs. 1,000 should be allowed to be paid in instalments.

(3) Smaller areas than 10 acres should be ordinarily capable of being registered.

(4) *Tharavila &c.*, should not be raised to the extent proposed.

(5) There should be no conflict between the Puduval Rules and the Land Conservancy Regulation.

(6) Land now in the occupation of private individuals should certainly be registered in their favour.

(7) Subjects of His Highness the Maha Raja should in all cases have preference over foreigners.

(8) Pending cases should, as far as possible, be disposed of in accordance with the existing Rules. Where the Tahsildar had sanctioned the registry or had made a recommendation for registry to the Dewan Peishkar, his sanction or recommendation should in all cases be given effect to.

(9) Registry holders should not be burdened with the duty of taking care of the royal trees on their holdings.

(10) Cases of assignment of land by Government under the special powers in Rule 57 should be published in the Gazette.

(11) The period within which the Dewan could cancel or modify a decision should not be longer than a few months.

(12) Provision should be made in the Rules for extending the time for the payment of *tharavila* beyond 30 days.

The Member next dealt with the Land Assignment Bill. He said that he strongly objected to the Bill being passed into law, that there was no justification or necessity for enacting such a law, that the object of safeguarding the interests of the backward classes could be achieved by legislation validating such conditions and restrictions as the Government deemed fit to impose on persons to whom concessional grants of land might be made and that the proposed measure which contained several objectionable features should not be passed. Section 5 providing that no assignment should take effect until a patta evidencing the assignment of land was issued was likely to work considerable hardship in cases where there had been a completed contract between the Government and the applicant. That provision unnecessarily encroached upon the rights of the people conferred by the ordinary law of contract and ought to be deleted. He observed that no useful purpose would be served by giving the Puduval Rules statutory force. No right of suit was given to private individuals even if the Rules were not properly administered by the revenue officers. Under such circumstances it made no difference whether the Rules were statutory or were merely administrative. There was one case, he continued, in which a civil suit was permitted, but the suit had to be brought within one year of the Government order

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This time limit applied even in cases in which the aggrieved party had not been a party to, or had no notice or knowledge of, the proceedings. He said that that was highly injurious and was a violation of recognised principles of law, that there was no reason why the ordinary period of limitation should be curtailed where the Government officers went wrong and that the object of nullifying the effect of a ruling of the High Court through legislative interference should certainly be discouraged. The Member, therefore, proposed that the Bill might be dropped.

Dewan's reply.—The suggestions of the Member in regard to the draft Puduval Rules will be considered before the Rules are issued. In regard to the Land Assignment Bill, the observations of the Member will be considered by the Legislative Council.

8. Grievances as regards puduval registry.

Mr. P. Kesava Pillai (Member, Nedumangad Taluk) admitted the necessity for the revision of the Rules, but thought that the Revised Rules, as now framed, would do more harm than good. If lands were put up to auction in 10 acre blocks, as contemplated in Rule 12, the local ryot would have no chance of getting any land as against the foreign capitalist. The Rules would not help to build up a prosperous peasantry. The policy of selling lands in auction should be changed. Rule 17 dealt with the registry of occupied lands. The Rule did not specify what would be regarded as valuable improvements. It would cause severe hardship, if improvements were taken to mean only cocoanut, areca and other cultivation. In the Nedumangad taluk especially, all lands were not suited for such cultivation, and generally tapioca, hill paddy and vegetables were being cultivated after clearing the undergrowth. The Rules should specifically provide for the treatment of such cultivation as valuable improvements. Provision should also be made in the Rules for giving the registry-holder the option to take registry of the land alone, without paying for the tree growth, and for the Government removing the tree growth within two years from the lands in cases where he did not purchase it. The *tharavila* and *thadivila* should be separately fixed in registering puduval lands. Rule 19 which required payment also for the trees cut and removed before the registry would lead to untold oppression by the Provertikar. The data relating to the height, *vannam*, etc., of such trees were uncertain, and the registry-holder would have to pay for timber removed by a prior occupant. The duty of protecting the royal trees on the land imposed on the registry-holder would lead to oppression by the Provertikar, and it was hard to impose on him that responsibility without paying him at least half the value realised by their sale. The clause should be deleted. The restriction against alienation of lands registered under Rule 24 on concessional terms to members of the depressed classes contained in Rule 28 was not justifiable. Lands on which substantial improvements had been made became heritable family property and should be freely alienable. The Rule should be so amended as to make alienations of such lands inoperative only during a period of fifteen years after the date of the grant. Logically, the concession allowed by Rule 53 to pay the *tharavila* in instalments in cases where it exceeded Rs. 1,000 should be confined to cases below that amount so as to benefit the really deserving. Rule 57 was in no way acceptable, as it would vitiate the entire puduval policy. The Government should have discretion to register occupied land only to a Travancorean. The rates of *tharavila* and *thadivila* should not be raised as proposed in the draft Rules. Even the existing rates should be reduced. Puduval lands should not be assigned to non-Travancoreans. No individual should be allowed to obtain registry of more than fifty acres; and, among applicants, those who owned less than 50 acres should have preference. No *tharavila* and *thadivila* should be realised from members belonging to the depressed classes. The rates of *tharavila* should be reduced.

Dewan's reply.—The Rules published are only in the draft stage. All the suggestions made by the Member will be carefully considered.

9. Certain suggestions regarding the Draft Puduval Rules.

Mr. Ittiavira Thomas (Member, Peermade Taluk) made the following observations about the draft Rules, and said that they were the views of himself and a number of people in his locality. The proposal to sell puduval lands generally by auction

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